

REFERENCE TITLE: planned communities laws; applicability

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1208

Introduced by
Senator Burns

AN ACT

AMENDING SECTION 33-1802, ARIZONA REVISED STATUTES; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 33-1802, Arizona Revised Statutes, is amended to
3 read:

4 **33-1802. Definitions**

5 In this chapter and in the community documents, unless the context
6 otherwise requires:

7 1. "Association" means a nonprofit corporation or unincorporated
8 association of owners **THAT IS THE SUBJECT OF A RECORDED FACILITIES AGREEMENT**
BETWEEN A NONPROFIT CORPORATION AND THE OWNERS OF PROPERTY IN THE AREA
GOVERNED BY THE RECORDED FACILITIES AGREEMENT OR that is created pursuant to
11 a declaration **to own and operate FOR THE PURPOSE OF OWNING AND OPERATING**
12 portions of a planned community and that has the power under the declaration
13 to assess association members to pay the costs and expenses incurred in the
14 performance of the association's obligations under the declaration.

15 2. "Community documents" means the declaration, bylaws, articles of
16 incorporation, if any, and rules, if any.

17 3. "Declaration" means any instruments, however denominated, that
18 establish a planned community and any amendment to those instruments **AND**
INCLUDES A RECORDED FACILITIES AGREEMENT BETWEEN A NONPROFIT CORPORATION AND
THE OWNERS OF PROPERTY IN THE PLANNED COMMUNITY.

21 4. "Planned community" means a real estate development which includes
22 real estate owned and operated by a nonprofit corporation or unincorporated
23 association of owners that is created for the purpose of managing,
24 maintaining or improving the property and in which the owners of separately
25 owned lots, parcels or units are mandatory members and are required to pay
26 assessments to the association for these purposes. Planned community does
27 not include a timeshare plan or a timeshare association that is governed by
28 chapter 20 of this title.